



DATE:

July 29, 2014

APPROVED BY:

Russell D. Schaedlich, Secretary

MINUTES OF THE LAKE COUNTY PLANNING COMMISSION

June 25, 2014

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Vice-Chair Morse called the meeting to order at 5:32 p.m.

ROLL CALL

The following members were present: Messrs. Adams, Flenner (alt. for Siegel), Morse, Pegoraro (alt. for Troy), Schaedlich, and Mmes. Hausch, Lipton (alt. for Moran), and Pesec. Legal Counsel present: Assistant Prosecutor Joshua Horacek. Planning and Community Development Staff present: Mr. Radachy and Ms. Truesdell.

MINUTES

April 29, 2014 Minutes

Mr. Morse asked for a motion to take the minutes of the April 29, 2014 meeting off the table.

Mr. Pegoraro moved and Mr. Adams seconded the motion to untable the minutes of the April 29, 2014 meeting.

Ms. Truesdell directed attention to page two, last paragraph. Mr. Brotzman requested that the following statement be inserted: "But, he is giving the County the opportunity to have the fix made on the Brotzman property because of the difficulty in getting Mr. Hamilton to do it within the Kimball Subdivision for which he is responsible." Remove, "But he is giving the County the opportunity to have this done. They could not make Mr. Hamilton do it because of the property for which he is responsible." He also wanted to insert the date of "May 23, 2006."

Mr. Pegoraro moved and Ms. Hausch seconded the motion to approve the minutes of the April 29, 2014 meeting as amended.

All voted "Aye".

May 27, 2014 Minutes

Ms. Hausch said there is a correction to the second to last paragraph on page one, changing "is" to "it".

Mr. Pegoraro moved and Mr. Adams seconded the motion to approve the May 2014 minutes with the above correction.

Six voted "Aye".
One abstained.

FINANCIAL REPORT

Mr. Pegoraro moved and Ms. Hausch seconded the motion to approve the May 2014 Financial Report.

All voted "Aye".

PUBLIC COMMENT

Dave Novak of Barrington Consulting Group commented that he attended the Planning and Zoning Conference on June 6th and was quite pleased with all the presentations. He thanked Mr. Radachy for his efforts in putting together the conference.

LEGAL REPORT

Mr. Horacek said there was no legal report.

DIRECTOR'S REPORT

Mr. Radachy said that 175 people attended the workshop. Most of the evaluations were very positive. Four or five members of the Board and the Land Use and Zoning Committee attended as well as members of Lake County community zoning and planning boards were well represented

Mr. Radachy reported that he was close to hiring a new Intern and the review process is taking place.

ANNOUNCEMENTS

There were no announcements.

SUBDIVISION REVIEW

Concord Township – Stoneridge Subdivision, Phase 1A, Resubmitted Final Plat & Improvement Plans, 13 Lots, 12.9396 Acres

Mr. Radachy said the Developer is Mentor Farms, LLC and the Engineer is Barrington Consulting Group. This is a re-submission of the first phase Plat. It is being submitted because the Sanitary Sewer District line between Greater Mentor and Heatherstone has not been changed. The 12 sublots are located in Greater Mentor and the two blocks are in Heatherstone. The Developer is going through the process of changing the district to include the blocks into the Greater Mentor Sewer District. When that is done, the two blocks will be subdivided as Stoneridge Phase 1B and Stoneridge Phase 1C. As soon as they are amended the Developer could come back and file lot split Plats for the other five sublots. This is submitted to NOACA and would come back to the Board in five or six months and we would approve them at that time.

The following are the stipulations and comments:

Final Plat Stipulations:

1. Plats and plans are required to correspond to each other. *Article III Section 4(A)*
 - a. The Plat has local service drainage easements between sublots 15 and 16 and between 17 and 18 and page 6 of the Improvement Plans show these easements as drainage easements. The easements need to be shown as local service drainage easements on the Plat and the Improvement Plans.
 - b. Project Description of Phase 1 is indicated on page 14/18 of the Improvement Drawings as being 16.09 acres. The Subdivision Plat indicates a Surveyor certification of 12.9396 acres. This needs to be clarified. *Concord Twp. Trustees*
 - c. The Sublot 5 elevation box is marked as S/L 15 on both pages 4/18 and 15/18 on the Improvement Plans. *Concord Twp. Trustees*
2. Record numbers for the easements not Platted as part of Woodcrest and Cali Woods Number 2 must be provided. These include, but are limited to the sanitary sewer easement and the storm sewer easement on subplot 15 of Woodcrest. *Article III Section 6(D)(3)(e)*
3. Final forms of covenants running with the land and any deed restrictions, easements, and by-laws for homeowners associations shall be provided to the Township. *Concord Twp. Trustees*

4. Final approval of each phase of a residential conservation development shall be formally accepted by the Township Board of Trustees prior to recording (Section 16.14 A.8 of the Zoning Resolution). *Concord Twp. Trustees*
5. Indicate on the Plat that all lots shall be limited to detached single-family dwellings only. *Trustees*
6. The Developer will be required to Plat a minimum amount of open space required by Concord Township R-2 RCD requirements. *Lake County Planning Commission*
7. Drainage Easement in Block 'C' shall be a Local Service Drainage Easement.

Final Plat Comments:

1. With recent increases in development and the consequences of the July 20th flash flood which struck our area, we would once again like to point out that the development on the highlands of Concord Township almost assures a rapid runoff of rainwater downstream during heavy rainfalls which can and has caused high levels of erosion and short term flooding in neighboring developments at the lower elevations. Frequently we observe that the culture of Developers this day is to deforest these new construction areas almost entirely. Trees capture and store rainfall temporarily during these events, help prevent the aforementioned from taking place and are the desired solution along with increased detention capacities and bioretention practices which will help protect the neighbors downstream and mediate the added burden on our local agencies response to the aftermath of such events. *Concord Twp. Service Dept.*
2. Potable water to be provided by Painesville City per their "Franchise Agreement" with the Board of Lake County Commissioners. *L.C. Utilities*
3. The proposed lot sizes and building setbacks conform to the R-2, RCD District zoning, and the proposed lot configurations conform to the approved Township Preliminary Plan for Concord Ridge. *Concord Twp. Trustees*
4. Provide ownerships of Open Space and Blocks. *Lake County Engineer*

Improvement Plans Stipulations

1. Any subdivision with a Preliminary Plan filed after 1/27/04 will be required to provide a three-year maintenance bond or surety when the subdivision goes into the maintenance phase. *Article V Section 8(D)*
2. Until Plats and plans for the subdivision are approved, properly endorsed and recorded, no improvements such as sidewalks, water supply, storm sewers, sanitary sewerage facilities, gas service, electric service or lighting, grading, paving or surfacing of streets shall hereafter be made by the owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent. *Art. I, Sec 4, B*

3. Show the location of the pipelines from the gas well to the storage tanks on sublots 9, 10 and 11. Pipeline easements should be on the Plat. *LCPC*
4. Haul roads have not been indicated in the Improvement Plans. *Concord Twp. Service Department*
5. Providing sufficient stop and sight distance at intersection of Keystone and Jo Anne Drive. (steep approach grade) *County Engineer Dept.*
6. Erosion control protection at long storm sewer run outlet for stormwater management pond. *County Engineer Dept.*
7. Removal of existing temporary cul-de-sac and restoration of this area. *County Engineer*
8. Re-routing or eliminating the storm sewer run under roadway for yard drain between lots 13 & 14. (basically a private storm sewer) *County Engineer Dept.*
9. Provide Roadway Cross Sections as indicated on proposed typical pavement section. *County Engineer Dept.*
10. Lower emergency outflow below street rim elevations. *County Engineer Dept.*
11. Provide updated Stormwater Management Report. *County Engineer Dept.*
12. This development is subject to detailed review by the Lake County Engineer. *County Engineer Dept.*
13. Provide a construction driveway for your road construction traffic or explore the possibility of providing a bond to project the adjacent subdivision's roads from road construction traffic. *LCPC*
14. Final approval could be forthcoming when detailed construction drawings are submitted to the Lake County Department of Utilities for review. *LCDU*

Improvement Plan Comments:

1. Are there desirable building sites on sublots 8, 10, and 11. The sites have been used for gas drilling. Does that affect the building sites? *Article IV Section 7(A)(1)* **(Please answer for the gas well that is located in Phase 1)**
 - a. Staff acknowledges that the storage tanks and other equipment are being moved.
 - b. Staff acknowledges that we do not have jurisdiction over location of gas wells or other facilities. The local zoning does not have any regulations requiring setbacks from existing gas wells or equipment.

- c. Per the agreement made at the Trustee's meeting on November 20, 2013, the Developer shall landscape on the northerly property line adjoining Cali Woods Subdivision to buffer the relocated tanks and separator, with such landscaping to be implemented in a manner substantially similar to that described under 38.09 C of the Concord Township Zoning Resolution. Submit plans to Township. *Concord Twp. Trustees*
2. Provide an access area to the tanks/separators outside of the right-of-way for service vehicles. Such areas shall be of sufficient size, taking into consideration future plugging or maintenance of the wells (maintain necessary easement for surface access). *Concord Twp. Trustees*
3. Recommend providing protection for the well heads that are adjacent to the right-of-way. *Concord Twp. Service Dept.*
4. Storm sewer and Utility installations shall comply with the premium fill specifications as indicated in the plans so as to ensure long term integrity of curb and gutters in the planned development.
5. Request an easement be authorized off Girdled Road to prevent any road construction traffic from traveling on Keystone Drive, Far Hills Drive, Nancy Ann Drive, Cali Drive, Sarah Lee Drive and Jo Anne Drive.
6. If above easement is not authorized for road construction traffic a surety bond in the amount of \$250,000 will be requested for maintenance and or repair of the following roads damaged due to hauling materials in and out of the Stoneridge Estates Phase 1 project site for the duration of road construction. These roads are Keystone Drive, Far Hills Drive, Nancy Ann Drive, Cali Drive, Sarah Lee Drive and Jo Ann Drive.
7. Potable water to be supplied by the City of Painesville per their Franchise Agreement with the Board of County Commissioners. *LCDU*

Mr. Pegoraro moved and Ms. Hausch seconded the motion to approve the Stoneridge Subdivision, Phase 1A, resubmitted Final Plat and Improvement Plans with 13 lots in Concord Township.

Ms. Pesec quoted Improvement Plan Comment 1b, "Staff acknowledges that we do not have jurisdiction over location of gas wells or other facilities. The local zoning does not have any regulations requiring setbacks from existing gas wells or equipment." Concord has the ability to write zoning code that says that a home can be built so far from an existing gas well. We need to give that feed back to them so they understand the law. The state controls how far a gas well is built from a house. But Concord can say, because gas wells explode 3-400 feet away, we will not allow any building to be closer than 400 feet away. Concord does have the ability to do setbacks for buildings. This would be essential in a development like this.

Mr. Radachy agreed with that comment. They currently do not have regulations but they can have this restated to them again.

Ms. Pesec said it should be in the record that they should be putting setbacks in place so a home is not built on an existing gas well.

Mr. Horacek said that the authority to put that into place would lie with Concord's legal counsel.

Ms. Pesec said the state wanted the townships to establish their own rules for putting in gas wells.

Mr. Radachy said staff recommended approval.

Mr. Morse called for a roll call vote. Mr. Schaedlich took the vote as follows:

Adams	Yes	Hausch	Yes
Pesec	No	Schaedlich	Yes
Flenner	Yes	Lipton	Yes
Pegoraro	Yes		

Motion passed.

Concord Township - Stoneridge Estates, Phase 1A, Waive Fee for Resubmission

Mr. Radachy said Barrington Consulting Group, Inc. was informed by the Northeast Ohio Areawide Coordinating Agency that the facility planning area boundary map and the map currently used by the Lake County Department of Utilities do not match. It was also determined that the Utilities map was never approved by NOACA. The boundary line between Mentor and Heatherstone 208 Facility areas cuts through the northeast corner of the Stoneridge site. The boundary change request will be reviewed by NOACA's Water Quality Subcommittee on June 27, 2014. If there are no objections from the affected jurisdictions, the change will be recommended to NOACA which will meet again on August 8, 2014. If there are no changes, it will go to the Board of Director's meeting for October 10, 2014

Mr. Radachy said the boundary mixup would delay the project and they would lose this year's building season. The Developer removed sublots 10, 11, 12, 13 and 14 from their plans. They requested to waive the resubmittal fee of \$1,000 because this map change should have been resolved prior to their submittal.

Mr. Pegoraro moved and Ms. Hausch seconded the motion to approve Stoneridge Estates, Phase 1A request for a waiver of the \$1,000 fee for resubmission.

Ms. Pesec asked how much review went into reviewing the Plat.

Mr. Radachy said there was not as much review for this resubmission as there would have been for a regular Plat. Staff only sent out plans to Concord Township, Utilities, and Concord Service Department. They reviewed the existing stipulations to determine if they were complied with.

Some members asked if they could charge \$300 or \$500.

Mr. Radachy said the Board can decide to waive the fee or reduce the fee.

Mr. Pegoraro asked to remove his motion.

Ms. Hausch asked to remove her second to the motion.

Mr. Pegoraro made a new motion to charge \$300 for the increase in work.

Dave Novak of Barrington Consulting Group said that the Developer has already incurred cost because he had to pay to have the plan redesigned and resubmitted. While he understood that the staff had to expend some additional effort, he said that after contacting the Utilities Department he found out that the sewers that were done in Summerwood, Cali Woods, Keystone, Crossroads of Summerwood, and Concord Ridge are all in violation of the 208 Plan. The Utilities Department has known about this problem for many years and should have amended the maps ten years ago. He did not think he should have to pay this fee when the Department they rely on to guide them, did not do their job. The Developer should not have to encumber fees because the Utilities Department did not follow through. They are going to have to come back for Phase 2B. The process to correct the map will take five months and will have to be corrected for the other subdivisions.

Mr. Horacek said it was his understanding that the Utilities Department was not aware that the line was where it is. The information was clearly incorrect.

Mr. Radachy said when Summerwood came through in 2003, the County Commissioners had to pass special legislation to amend the District. At that time, everyone thought the District was changed. The Utilities Department submitted information to NOACA in 2004 and 2007 based on the 2004 information. In 2007, after the County GIS system was up and running, NOACA requested that they base the line on the parcels. This development was placed in greater Mentor along with Woodcrest, Cali Woods, Summerwood, Concord Ridge,

and Crossroads of Summerwood. At that time, the Utilities Department thought everything was done. They too were surprised when NOACA said this has not been changed.

Mr. Horacek said he did not want to venture an opinion as to what the Board should do but, clearly, the information given to Barrington Consulting was wrong.

Mr. Pegoraro said, after learning of the new information, he wanted to withdraw the motion he made and go back to his first motion to approve the request to waive the fee of \$1,000. Ms. Hausch withdrew her second motion. Mr. Flenner seconded the motion to approve the request to waive the fee.

Mr. Adams said the Developer and Engineer were blameless.

Some members asked for staff's opinion on waiving or not waiving the fee.

Mr. Radachy agreed that the fee should be waived.

Mr. Morse called for a roll call vote. Mr. Schaedlich took the vote as follows:

Adams	Yes	Hausch	Yes
Pesec	No	Schaedlich	Yes
Flenner	Yes	Lipton	Yes
Pegoraro	Yes		

Motion passed.

SUBDIVISION ACTIVITY REPORT

Mr. Radachy reported that the Engineer of Concord Ridge, Phases 2 and 3 combined plans into one set of Improvement Plans. The construction estimates were approved by the County. The Commissioners signed off last week.

LAND USE AND ZONING REVIEW

Concord Township – Zoning District Amendment from THN, Town Hall Neighborhood to R-3, Multi-Family

Mr. Radachy said the zoning district change is located on Concord-Hambden Road in Concord Township south of I-90, west of Hammond Electronic, east of Ravenna Road and North of Concord-Hambden Road. It is near Quail Hollow Subdivision. The property has 17.095 acres of land, 16.951 acres exclusive of the right-of-way. The maximum number of units that they could build on the site is 135 attached units (8 units per acre) or 101 detached units (6 units per acre.). The lot slopes towards I-90 and the site is vacant. The elevation drops fifty feet between Concord-Hambden and I-90.

It is currently zoned Townhall Neighborhood, THN. It was rezoned to this district in 2010. THN has commercial, office and retail uses as well as residential care facilities and hospice. Originally it was to have cluster residential uses, but Concord Township removed those uses in 2009.

The Comprehensive Plan recommends zoning that supports the Township Center Concept. The plan states, "Consider **creating a new Town Center/Mixed-Use District** in the area of the Town Hall to achieve the Town Center concept. The new district would support existing community facilities at this location and create a more pedestrian-oriented area that would be developed at a scale comparable to the adjacent area." Specific recommendations for this area include attached single family units.

Mr. Radachy said the purpose statement of the R-3, Multi-Family District was to provide for a limited amount of alternative housing types to the traditional detached single-family dwellings in the Township. The purpose statement of the R-3 states for the District to allow for both multi-family and single detached cluster dwellings in locations that meet the following criteria in conformance with the Comprehensive Plan:

- As a transitional land use between lower-density single-family residential areas (areas currently zoned R-1 Residential) and non-residential areas;
- In areas adjacent to major highways such as Interstate 90; and
- In locations that are currently zoned for single-family residential (areas currently zoned R-1 Residential) where low-density residential is not likely to develop because of location or site conditions.

This site meets two of the three conditions. It does not meet the third condition because it was never zoned R-1. It was previously M before it became THN. Neither one of those districts allow single family units, but this site would be very difficult to develop as single family, so it meets a part of that condition. Parcel #11 will remain THN. The church on the corner will remain THC.

Mr. Radachy said the R-3, Multi-Family has a density of 8 units per acre for attached units, which are 3 to 8 units attached. They also stated that the R-3 also allows for cluster homes at a density of 6 units per acre. Staff stated that they reviewed the lots for zoning conformity and determined that 8A-14-12 does not meet the minimum standards for a development lot in R-3, it only has 182 feet of frontage and it needs 200 feet. But this could be fixed by combining the lot with 8A-14-39.

Mr. Radachy said that this is not a senior housing community but is targeted to empty nesters and millenials. Once the district is changed, all permitted uses can be installed on the site. In this case, they would be restricted to attached single family and cluster homes.

Staff recommended to the Land Use and Zoning Committee to approve the district amendment because it is in conformance with the Comprehensive Plan, which calls for attached single family units to support the Town Hall Area. The zoning resolution does not allow for multi-family in the THN or THC, so a change to R-3 is the only option for adding attached single family. This change would provide a buffer between the single family uses on Ravenna Road and industrial and offices to the west. Staff also recommended that the ten-foot section of 8A-14-12 between 8A-14-11 and 8A-14-10 remain THN. This would keep the setback on 8A-14-11 at 20 feet instead of increasing it to 50 feet. Land Use and Zoning recommended approval of the district amendment with the change that the 10-foot section remain a THN.

Ms. Pesec said that from the 2004 Comprehensive Plan, Concord Township and the Planning Commission spent two years developing the Townhall Common and the Townhall Neighborhood zoning districts. Everybody voted on it in Concord. When it was time to develop pieces of property, in January of 2010, the Planning Commission staff report stated, "The cluster homes were eliminated when the text amendment was adopted by the Township. Staff recommends that the THN District be made because it conforms to the Comprehensive Plan." In Concord, we took the 2004 plan, developed more of the Comprehensive Plan and we determined as a community what uses we wanted. Now staff has gone back to the old plans to support reasons that we should be rezoning the property.

Mr. Radachy said the Trustees took out the residential component. The Comprehensive Plan still recommends residential uses and attached homes. It is still in the Plan. He was using the 2004 Comprehensive Plan as the basis for his decision.

Ms. Pesec said that historically, there were three reasons the zoning was denied. One is that Concord cannot afford to lose anymore commercial property and should try to maintain at least the 8% commercial tax base. Second, 20% of Concord's housing is in attached units and more in condo-style units. Third, looking at the Concord Plan survey, the vast majority of residents said there is too much or enough cluster homes.

Ms. Lipton said that Concord is in the process of redoing their Comprehensive Plan. She thought Ms. Pesec made some valid points about commercial real estate.

Mr. Adams commented that her concerns can only be addressed by Concord Zoning and the Trustees. We have to operate on the existing Comprehensive Plan. It is not our responsibility to examine the parameters on the type of cluster housing.

Pat Rakoci and Ben Weinerman of Redwood Acquisitions, LLC introduced themselves.

Mr. Morse reminded the Board that the vote is on the approval or disapproval of the land use.

Mr. Weinerman talked about their concept of the use of the district saying that individuals have different reasons to need rental housing.

Pat Rakoci talked about the proposed community saying they target seniors and professionals. They have built many developments around the country.

Stephanie Arnold of Concord Township said she owns the piece of property that is going to be impacted by the zoning change. She wanted to clarify that they were going to ask for six units per acre, not eight. She commented that Concord created THN and THZ through a long process. It was developed because there was not sufficient commercial property left in Concord. They took out cluster housing because, according to the survey, the Township feels we have more than enough. She voted against the THN concept because she thought Concord needed a commercial district. It was in 2010 that THN zoning was invented by Concord.

Mr. Morse said we were voting on the acceptance or rejection of the Land Use and Zoning Committee's recommendation for this piece of property.

Mr. Pegoraro moved and Mr. Adams seconded the motion to accept the recommendation of the Land Use and Zoning Committee and recommend to approve the change of the zoning district amendment from THN, Town Hall Neighborhood to R-3, Multi-Family in Concord Township.

A roll call vote was taken.

Adams	Yes	Hausch	Yes
Pesec	No	Schaedlich	Yes
Flenner	Yes	Lipton	No
Pegoraro	Yes		

Motion passed.

REPORTS OF SPECIAL COMMITTEES

Mr. Radachy said the Coastal Plan Committee will meet August 27, 2014.

CORRESPONDENCE

Fairport Harbor "Share the Road" Markers

Mr. Radachy said that at the Port Authority's request, we wrote a letter of support. They want to place "Share the Road" markers on East Street, Second Street and High Street in Fairport Harbor. The markers are warning signs for the motoring public to beware of bicyclists.

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

PUBLIC COMMENT

Mr. Pegoraro announced that this would be his last meeting and he will no longer serve as an alternate for Mr. Troy.

ADJOURNMENT

Mr. Pegoraro moved and Mr. Hausch seconded the motion to adjourn.

All voted "Aye".

The meeting adjourned at 6:50 p.m.